



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1509/P1

CMH:jld:ph

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** relating to:the budget; relating to:the budget; relating
2 to:the budget; relating to:the budget; relating to:the budget; relating to:the
3 budget; relating to:the budget; relating to:the budget; relating to:the budget;
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5 budget; the budget; the budget; relating to:the budget; relating to:the budget;
6 relating to:the budget; relating to:the budget; relating to:the budget; relating
7 to:the budget; relating to:changing timing of application process under the open
8 enrollment program, permitting certain pupils to submit open enrollment
9 applications outside of the regular application period, and eliminating the limit
10 on virtual charter school enrollment; relating to:the budget; relating to:the
11 budget; relating to:the budget; relating to:the budget; relating to:the budget;
12 relating to:the budget; relating to:the budget; the budget; relating to:the
13 budget; the budget

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -0841/P2 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent of public instruction must withhold state aid from a school district if the school district fails to hold school for 180 days.

This bill eliminates the requirement that a school district hold school for 180 days each year and requires the state superintendent to withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above.

*** ANALYSIS FROM -1244/P1 ***

Under current law, the board of Milwaukee Public Schools determines the school calendar and vacation periods for the regular day and summer schools each school year, but the board may not schedule more than 200 teaching days in the regular day school period in any school year. This bill eliminates the requirement that no more than 200 teaching days be scheduled in the regular day school period.

*** ANALYSIS FROM -0836/P5 ***

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the Consumer Price Index. In the 2011-12 school year, the increase is limited to \$275 and in the 2012-13 school year to the percentage change in the Consumer Price Index. This bill reduces the revenue limit for all school districts by 5.5 percent in the 2011-12 school year. For the 2012-13 school year, a school district may not increase the revenues it receives per pupil from general school aids and property taxes above the amount it received in the 2011-12 school year.

Current law exempts a school district from the revenue limit if its per pupil revenue is less than a statutory revenue ceiling, currently set at \$9,800. This bill decreases the per pupil revenue ceiling to \$8,900 for the 2011-12 school year and for any subsequent school year.

Current law also provides that, if a school district's revenue limit, as calculated before any adjustments, is less than the district's base revenue from the previous school year, the district's initial revenue limit would be set at the prior year's base revenue. This bill eliminates this base revenue stabilization provision.

*** ANALYSIS FROM -0844/P2 ***

Under current law, several adjustments to the per pupil revenue limits are permitted. For example, a school board may adopt a resolution to increase the school district's revenue limit by the amount spent by the school district in the second previous school year to pay the salary and fringe benefit costs of school nurses. Current law also provides a revenue limit adjustment for the costs of school safety equipment and the compensation costs of security officers and for pupil transportation costs.

This bill eliminates the revenue limit adjustments described above.

***** ANALYSIS FROM -1213/1 *****

Effective July 1, 2012, this bill eliminates a number of categorical school aid programs, including the Preschool to Grade 5 Program, grants for alcohol and other drug abuse prevention and intervention programs, the Children at Risk Program, grants for nursing services, supplemental aid, grants for advanced placement courses, grants for English instruction for Southeast Asian children, grants for science, technology, engineering, and mathematics (STEM) programs, grants to Milwaukee Public Schools for improving pupil academic achievement, and grants for alternative education programs.

***** ANALYSIS FROM -1485/2 *****

Under current law, each school year a school district is guaranteed an amount of general state aid equal to at least 85 percent of the amount it received in the previous school year. This bill guarantees a school district in the 2011-12 school year an amount equal to at least 90 percent of the amount it received in the 2010-11 school year. The percentage reverts to 85 percent in the following school year.

***** ANALYSIS FROM -1215/P2 *****

Current law allows an eligible school board that has entered into a five-year student achievement guarantee (SAGE) contract with DPI to receive \$2,250 for each low-income pupil enrolled in a grade eligible for SAGE funding if the school board reduces class size in the eligible grade to 18 pupils; grades kindergarten to third grade are grades eligible for SAGE funding. Current law permits a school board to renew a SAGE contract and receive payments under that renewed contract if the school board maintains the reduced class size achieved during the last school year of the original SAGE contract.

Under this bill, in the 2011-12 school year, only grades kindergarten, one, and two will be eligible for SAGE funding; beginning in the 2012-13 school year, only grades kindergarten and one will be eligible for SAGE funding. School districts operating under a SAGE contract will not be required to maintain a reduced class size in grades for which SAGE funding is withdrawn.

***** ANALYSIS FROM -1345/P5 *****

Under the Milwaukee Parental Choice Program (MPCP), a pupil who resides in the city of Milwaukee may attend a participating private school in the city at state expense if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 175 percent of the poverty level. A pupil attending a private school under the MPCP whose family income increases may continue to attend the private school under the MPCP but only if the family income does not exceed 220 percent of the poverty level.

This bill eliminates the family income requirement for a pupil that wishes to attend a private school participating in the MPCP beginning in the 2011-12 school year. Under the bill, a pupil that resides in the city may attend a private school at state expense if the pupil did not attend a private school participating in the MPCP at any time in the 2010-11 school year. Also under the bill, a participating private school may charge tuition and fees to pupils admitted under the MPCP over and above the payment the private school receives for the pupil from the state. However,

a private school may not receive any additional payment for a pupil admitted under the MPCP who is a member of a family that has a total family income that does not exceed 325 percent of the poverty level.

Under current law, only private schools located in the city of Milwaukee may participate in the MPCP. This bill provides that any private school located in Milwaukee County may participate in the MPCP.

Under current law, the number of pupils who may attend a private school under the MPCP is limited to 22,500. This bill eliminates the cap.

***** ANALYSIS FROM -0839/P1 *****

Under current law, private schools participating in the MPCP must annually administer examinations approved by the state superintendent to pupils attending the school under the program and enrolled in grades four, eight, and ten. The private school must also administer examinations in reading and mathematics required under the federal No Child Left Behind Act to pupils enrolled in grades three to eight and grade ten. This bill replaces the current examination requirements and requires, instead, that private schools participating in the MPCP annually administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program and enrolled in grades four, eight, and ten.

***** ANALYSIS FROM -1246/P1 *****

Under current law, private schools participating in the MPCP must annually submit to DPI evidence of sound fiscal practices and financial viability, as prescribed by DPI by rule. DPI's administrative rules set forth circumstances that would indicate that a private school participating in the MPCP does not have sound fiscal practices or is not financially viable.

This bill establishes circumstances that would indicate that a private school participating in the MPCP does not possess sound fiscal practices or the financial ability to continue educational programming operations.

***** ANALYSIS FROM -1247/P1 *****

Under current law, DPI must promulgate administrative rules governing the MPCP. This bill requires DPI to notify each private school participating in the MPCP, and the parents and guardians of pupils attending a private school under the MPCP, of any changes to the MPCP prior to the school year in which the change is to take effect.

***** ANALYSIS FROM -1481/P1 *****

Generally, under current law the state pays a private school participating in the MPCP the lesser of the private school's cost per pupil that is related to educational programming or the sum of the amount paid per pupil in the previous school year increased by the percentage change in the amount of general state school aids. However, under current law, for the 2009-10 and 2010-11 school years, the state pays a participating private school a per pupil payment equal to the lesser of the private school's cost per pupil that is related to educational programming or \$6,442. This bill extends the exception to the general per pupil payment calculation through the 2012-13 school year.

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits UW-Milwaukee, UW-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools. Currently, and through the 2010-11 school year, the operator of an independent charter school receives per pupil state aid in an amount equal to the amount paid per pupil in the previous school year, increased by an amount that is tied to the increase in the per pupil state aid received by a private school participating in the MPCP. Under current law, beginning in the 2011-12 school year, the per pupil payment made to independent charter schools is tied to the per pupil revenue limit adjustment for public schools. Under this bill, the per pupil payment to independent charter schools remains tied to the method for determining the per pupil payment received by a private school participating in the MPCP through the 2012-13 school year.

***** ANALYSIS FROM -0851/3 *****

This bill allows any four-year institution within the UW System to operate or to contract for the operation of a charter school with the approval of the Board of Regents. The bill also allows the UW-Madison to operate or contract for the operation of a charter school.

Currently, if UW-Milwaukee establishes a charter school, it must be located in the city of Milwaukee. UW-Parkside may establish only one charter school. It must be located in a unified school district that is located in the county in which UW-Parkside is located (the Racine school district) or in an adjacent county, it may not enroll more than 480 pupils, and it may not operate high school grades. This bill eliminates all of these restrictions.

Currently, the Racine school district receives additional state aid if UW-Parkside establishes a charter school. This bill eliminates this payment.

***** ANALYSIS FROM -1189/1 *****

Currently, any person who seeks to teach in a public school, including a charter school, must hold a license or permit issued by DPI. This bill exempts teachers in independent charter schools from this requirement. The bill requires a teacher in an independent charter school to have a bachelor's degree from an accredited institution of higher education.

***** ANALYSIS FROM -0852/1 *****

Under current law, state aid to independent charter schools is funded by a reduction in general school aid, applied on a prorated basis to all school districts. Current law provides that beginning in the 2011-12 school year, instead of reducing general school aid by the amount of charter school aid paid in the same school year, general school aid will be reduced by the amount of charter school aid paid in the 2010-11 school year. This bill eliminates this cap on the reduction in general school aid.

***** ANALYSIS FROM -1205/1 *****

This bill prohibits a school board from requiring, as a condition of employment, that a teacher reside within the school district. The bill defines "teacher" as any

person whose employment by a school district requires that he or she hold a license or permit issued by the state superintendent of public instruction.

***** ANALYSIS FROM -0856/1 *****

Current law requires that each school district employ a reading specialist certified by DPI to develop and coordinate a comprehensive reading curriculum. This bill eliminates this requirement.

***** ANALYSIS FROM -1362/2 *****

Under current law, moneys are appropriated from the normal school fund to DPI for an environmental education consultant. This bill eliminates this appropriation.

***** ANALYSIS FROM -1061/P1 *****

Under current law, DPI must award a grant to each person employing an initial educator for the purpose of providing a mentor for the initial educator. This bill eliminates the initial educator grant program and the appropriation used to fund the program beginning in the 2012-13 fiscal year.

***** ANALYSIS FROM -1183/P1 *****

Under current law, the Indoor Environmental Quality in Schools Task Force, established by the state superintendent, is required to make recommendations to DPI for the development of a model management plan for maintaining indoor environmental quality in public and private schools. DPI must, in turn, establish such a model management plan and practices. Each school board and the governing body of each private school that is participating in the MPCP must implement a plan for maintaining indoor environmental quality in its school or schools.

This bill eliminates the requirement that DPI establish a model management plan and practices and also the requirements that each school board and the governing body of each private school participating in the MPCP implement a plan for maintaining indoor environmental quality in its school or schools.

***** ANALYSIS FROM -0982/1 *****

Current law directs DPI to award grants to nonprofit organizations, cooperative educational service agencies, and the Milwaukee Public Schools for the purpose of providing advanced curriculum and assessments for gifted and talented pupils.

This bill allows DPI to award grants to the UW-Madison as well, but requires that all grants must be for the purpose of providing to gifted and talented pupils those services and activities not ordinarily provided in a regular school program that allow such pupils to fully develop their capabilities.

***** ANALYSIS FROM -0855/3 *****

Under current law, no more than 5,250 pupils may attend virtual charter schools under the Open Enrollment Program (OEP) in any school year. This bill eliminates this limit.

Under the OEP, a pupil may apply to attend a public school in a school district other than the pupil's resident school district (nonresident school district) if certain conditions are met. Current law establishes a time line for filing and processing applications under the OEP. An application to attend a school in a nonresident school district is due between the first Monday in February and the third Friday following

the first Monday in February. If accepted by the nonresident school board, the pupil must notify the nonresident school board whether the pupil will attend school under the OEP by the first Monday in June. Current law requires the resident and nonresident school boards to take certain actions to review and accept or reject the application within that time period. The resident school board may, under certain conditions, deny the pupil's enrollment in the nonresident school district by the first Friday following the first Monday in June. By June 30, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board. Current law also permits a nonresident school district to deny enrollment to a pupil who has been expelled from school for certain reasons, including for engaging in conduct while at school that endangered the health safety or property of others. A resident school district must provide copies of the disciplinary records of a pupil who has applied under the OEP to a nonresident school district that makes a request for such records.

This bill changes the time line for filing and processing applications under the OEP. Under the new time line, the nonresident school district must determine the number of regular education and special education spaces available within the school district at the January meeting of the nonresident school board. An application to attend a school in a nonresident school district is due between the first Monday in February and the last weekday in April. The nonresident school board may not act on the application before May 1. The bill requires a resident school district to provide to a nonresident school district records pertaining to disciplinary proceedings involving a pupil who has applied to the nonresident school district under the OEP by the first Friday following the first Monday in May.

The bill also requires the resident school district to forward a copy of the individualized education program (IEP) prepared for a child with a disability who applies to the nonresident district under the OEP. If the resident school district fails to comply with this requirement, the nonresident school district may charge the resident school district for any actual, additional costs incurred by the school district to provide the special education and related services to the child. This bill requires the nonresident school district to prepare an estimate of the costs to implement an IEP prepared for a child with a disability who has applied to attend a school or program in the nonresident school district, and to provide the resident school district with a copy of the estimate by the third Friday following the first Monday in May. If the nonresident school district fails to provide the information by the required date, the nonresident school district may not charge the resident school district for the costs to provide the special education and related services to the child with a disability.

The pupil must inform the nonresident school board whether he or she will attend a school in the nonresident school district by the last Friday in June. By July 7, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board.

The bill also creates an alternative application process, with a separate time line, under the OEP. Under the alternative process, the pupil must satisfy one of the following criteria: 1) the resident school district determines that the pupil has been

the victim of a violent criminal offense, as defined by DPI by rule; 2) the pupil is or has been a homeless pupil in the current or immediately preceding school year; 3) The pupil has been the victim of repeated bullying or harassment, the parent has reported the bullying or harassment to the resident school board, and the repeated bullying or harassment continues; 4) the place of residence of the pupil's parent or guardian and of the pupil has changed as a result of military orders; 5) the pupil has moved into this state; 6) the place of residence of the pupil has changed as a result of a court order or custody agreement or because the pupil was placed in a foster home or with a person other than the pupil's parent, or removed from a foster home or from the home of a person other than the pupil's parent; or 7) the parent of the pupil and the nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil.

A nonresident school district that receives an application under the alternative time line must immediately forward a copy to the resident school board and must notify the applicant, in writing, whether it has accepted the application no later than 20 days after receiving it. The resident school district may notify an applicant that the pupil may not attend a school or program in the nonresident school district only if it determines that the criterion relied on by the applicant does not apply to the pupil or determines that the costs of special education or related services would impose an undue financial burden on the child's resident school district.

This bill permits a school district to increase the revenue limit applicable to the school by the amount of any reduction to the school district's payment from DPI in the previous year for a pupil who was not included in the calculation of the number of pupils enrolled in that school district in the previous year.

Current law requires DPI to annually report to the governor and the appropriate committees of the legislature on the number of pupils who applied to attend school in a nonresident school district under the OEP, the number of applications denied and the bases for the denials, and the number of pupils attending public school in a nonresident school district under the OEP. This bill requires DPI to provide more detailed information about participation in the OEP, including information about whether pupils were accepted under the regular or alternative application process and, if the latter, which criterion the applicant applied under.

***** ANALYSIS FROM -1242/P1 *****

Current law, with some exceptions, requires a school district to provide transportation to and from school for a pupil attending a private school that is located at least two miles from the pupil's residence. If the estimated cost of transporting a pupil to a private school is more than 1.5 times the school district's average cost per pupil for bus transportation, the school board may fulfill its obligation to transport the pupil by contracting with the pupil's parent or guardian. Except as provided below, the contract must provide for an annual payment for each pupil of at least \$5 times the number of miles between the pupil's residence and the private school, or the school district's average cost per pupil for bus transportation, whichever is greater.

In a first class city school district (currently, only the Milwaukee Public Schools), if two or more pupils reside in the same household and attend the same

private school, the contract may, at the discretion of the school board, provide for a total annual payment of the amount described above for all of the pupils instead of for each of the pupils. This bill extends this provision to all school districts.

***** ANALYSIS FROM -1245/P1 *****

Under current law, no school bus driver, school district employee, or volunteer may administer medications, including prescription and nonprescription drug products, unless the person has received training approved by DPI. This bill eliminates the requirement that DPI approve the training.

***** ANALYSIS FROM -1184/P1 *****

Under current law, a school nurse is defined to mean a registered nurse licensed either under state law or in a party state under the Nurse Licensure Compact who also meets qualifications established by DPI by rule. This bill eliminates the requirement that a person meet qualifications established for school nurses by DPI.

***** ANALYSIS FROM -1279/3 *****

This bill directs DPI, working with the office of the governor, to establish a student information system to collect and maintain information about public school pupils, including their academic performance and demographic information, aggregated by school district, school, and teacher. DPI may not spend any moneys appropriated for the system unless its annual expenditure plan is approved by the governor. The bill requires DPI to charge a fee to any school district that uses the system and authorizes DPI to charge a fee to any other person that uses the system.

***** ANALYSIS FROM -1243/P1 *****

Under current law, each school board must annually determine the amount necessary to be raised to operate and maintain the schools of the school district and must, on or before November 6, certify that amount to the municipal clerk to assess and enter onto the tax rolls. This bill provides that, in years in which a November general election is held, the school board must certify the amount to be assessed on or before the seventh calendar day after the day of the general election.

***** ANALYSIS FROM -1187/P5 *****

HIGHER EDUCATION

Currently, the UW System consists of 13 four-year institutions, including the UW-Madison, 13 two-year colleges, and the UW-Extension. The UW System is governed by the Board of Regents, which consists of the state superintendent of public instruction, the president of the technical college system, 14 citizen members, and two students. The latter 16 members are appointed by the governor and confirmed by the senate. There is a shared, hierarchical system of governance for the UW System: the Board of Regents has primary responsibility, followed by the UW System president, the chancellors of the institutions, the faculty, and the academic staff and students. Three boards are created in or attached to the UW System: the Environmental Education Board, the Laboratory of Hygiene Board, and the Veterinary Diagnostic Laboratory.

This bill creates an authority entitled the University of Wisconsin-Madison, consisting of the current UW-Madison. The bill creates a board of trustees to govern the authority. Twenty-one members, 11 of whom are appointed by the governor, and the chancellor, who serves as a nonvoting member, comprise the Board of Trustees.

The chancellor is appointed by the Board of Trustees to serve at its pleasure and is the chief executive officer of the authority. The bill establishes a shared, hierarchical governance system for the authority, consisting of the Board of Trustees, the chancellor, the faculty, and the academic staff and students.

The bill transfers all assets and liabilities of the current UW-Madison, including real property, and all incumbent UW-Madison employees to the authority. Until July 1, 2012, the authority must adhere to the terms of any collective bargaining agreement covering the employees, and the authority is considered an agency under the state employment relations laws for all purposes. Beginning July 1, 2012, the authority must implement its own personnel system. Tenured faculty at the current UW-Madison retain their tenure at the authority. The authority remains a participating employer in the Wisconsin Retirement System and authority employees retain health insurance and other benefits enjoyed as state employees. All contracts entered into by the Board of Regents that are primarily related to the operation of the current UW-Madison, including the contracts with the Board of Directors of the UW Hospitals and Clinics Authority, are transferred to the authority's Board of Trustees.

The bill does not require the Board of Trustees to promulgate administrative rules except for rules relating to conduct on university property. The bill authorizes the Board of Trustees to condemn property.

Current law prohibits the Board of Regents of the UW System from increasing resident undergraduate tuition beyond an amount sufficient to fund certain specified costs and activities, including the amounts specified in the state budget act, the approved recommendations of the director of the Office of State Employment Relations for staff compensation and fringe benefits, and distance education. This bill does not impose these restrictions on the establishment of tuition by the Board of Trustees.

The bill appropriates general purpose revenue, program revenue, and moneys from segregated funds to the authority. The authority is not required to deposit moneys that it receives, such as tuition, gifts, grants, and federal revenue, into the state treasury. However, it must transfer daily to the state treasurer for deposit into the local government pooled-investment fund the collected cash balance from all sources except gifts, grants, and donations. The bill authorizes the Board of Trustees to transfer gifts, grants, and donations to the UW Foundation.

The bill exempts the Board of Trustees from DOA's authority over state agency use of gasoline, alternative fuels, and hybrid-electric vehicles. The bill also exempts authority employees from certain requirements regarding employment or retention by another state agency or authority.

The bill abolishes the Laboratory of Hygiene Board and the Veterinary Diagnostic Laboratory Board and transfers their functions to the authority. The bill directs the Board of Trustees, instead of the Board of Regents, to appoint the director of the laboratory of hygiene, the director of the psychiatric institute, the state geologist, and the state cartographer.

The bill makes other changes regarding the UW-System and the UW-Madison, including the following:

1. The bill transfers loan assistance programs for physicians and other health care providers, but not dentist and dental hygienist programs, from the Board of Regents to the Board of Trustees.

2. The bill adds one person associated with the authority to each of the following boards and councils: the teachers retirement board in DETF, the natural areas preservation council in DNR, the professional standards council for teachers in DPI, the Higher Educational Aids Board, and the Technical College System Board.

3. The bill replaces certain Board of Regents members of the following bodies with Board of Trustees members: the University of Wisconsin Hospitals and Clinics Board and the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

The bill does the following regarding legal proceedings involving the authority:

1. Under current law, no one may sue a state officer, employee, or agent who is acting in his or her official capacity for damages unless the person serves the attorney general with a written notice of claim within 120 days of the event that allegedly caused the damages. The bill applies the prohibition to actions against an officer, director, employee, or agent of the Board of Trustees.

2. With few exceptions, current law limits damages in a case against a state officer, employee, or agent who is acting in his or her official capacity to \$250,000. The bill applies the limit to actions against an officer, director, employee, or agent of the Board of Trustees.

3. Under current law, generally, if a public officer or a state employee is sued in an official capacity or for actions undertaken within the scope of his or her employment, the state or the political subdivision that employs the officer or employee must provide legal counsel to the defendant officer or employee or cover legal costs for the officer or employee. If damages are assessed against the officer or employee, the state or political subdivision must pay the damages. Under the bill, an officer, director, employer, or agent of the Board of Trustees is treated as a state officer, director, employer, or agent for purposes of the foregoing requirements.

4. Under current law, DOJ represents the state, state agencies, and state employees in certain legal proceedings, reviews, and actions. Under the bill, DOJ represents the Board of Trustees as a department of state government and the officials, employees, and agents of the board as state officials, employees, and agents for the purpose of representation in civil and criminal proceedings, and upon request, for the purpose of appearing for and representing the board or its officials, employees, or agents at an administrative or civil court proceeding.

See also STATE GOVERNMENT — STATE BUILDING PROGRAM and OTHER STATE GOVERNMENT.

***** ANALYSIS FROM -1399/3 *****

This bill directs the Board of Regents of the UW System to submit a plan to the secretary of administration by October 1, 2012, for the conversion of the UW-Milwaukee to an authority. The board must allocate \$250,000 for development of the plan and must submit a plan to the secretary of administration specifying how it will allocate the funds by October 1, 2011.

***** ANALYSIS FROM -1379/P1 *****

Current law allows the Board of Regents of the UW System to charge different tuition rates to resident and nonresident students. Current law also includes nonresident tuition exemptions, under which certain nonresident students pay resident tuition rates. One of the exemptions applies to an alien who is not a legal permanent resident of the United States and who: 1) graduated from a Wisconsin high school or received a declaration of equivalency of high school graduation from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school or immediately preceding receipt of a declaration of equivalency of high school graduation; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so. This bill eliminates the foregoing nonresident tuition exemption.

Current law also provides that an alien described above is considered a resident of this state for purposes of admission to and payment of fees at a technical college. This bill eliminates that provision.

***** ANALYSIS FROM -0379/P1 *****

Current law requires the Board of Regents of the UW System to submit annual reports to DOA and JCF on the amounts expended in the previous fiscal year under certain program revenue appropriations that exceeded the dollar amounts estimated for the fiscal year in the appropriations schedule. The appropriations for which the annual reporting requirement applies are appropriations for certain general operations receipts and auxiliary enterprises. This bill eliminates the annual reporting requirement.

***** ANALYSIS FROM -0380/P1 *****

Under current law, specified amounts received from academic student fees are appropriated annually to the UW System Board of Regents for laboratory modernization and improvements in master's level business programs. Those UW appropriations are annual appropriations from program revenue receipts. Therefore, if an amount appropriated for a fiscal year is not encumbered in that fiscal year, the unencumbered amount may not be expended until the legislature authorizes the expenditure. This bill changes those UW appropriations from annual to continuing appropriations, which are expendable until fully depleted. The bill also clarifies the definition of a program revenue appropriation to ensure that the bill's changes to those UW appropriations are effective.

***** ANALYSIS FROM -1402/P1 *****

The bill appropriates to the Board of Regents of the UW System for general program operations of the university system administration, in fiscal years 2011-12 and 2012-13, amounts that are reduced from the amounts appropriated in fiscal years 2010-11 and 2011-12. The bill requires the Board of Regents to submit to the secretary of administration, no later than October 1, 2011, a plan specifying the board's preferences for allocating the reduction among such general program operations. The bill allows the secretary of administration to approve or modify the plan and requires the Board of Regents to implement the plan as approved or modified by the secretary of administration.

***** ANALYSIS FROM -1214/1 *****

This bill modifies the appropriation to the UW System for the minority undergraduate grant program called Lawton grants from a sum sufficient to a sum certain.

***** ANALYSIS FROM -0988/1 *****

This bill prohibits a technical college district board's tax levy for operations in 2011 and 2012 from being greater than its tax levy for operations in 2010. If a district board's levy exceeds the allowable amount, the Technical College System Board must reduce the district's state aid payments by the amount of the excess levy unless DOR determines that the district board's excess levy was caused by a clerical error made by DOR or a taxation district or county clerk.

***** ANALYSIS FROM -1188/2 *****

Current law requires the UW System and each technical college to grant full remission of fees for 128 credits or eight semesters, whichever is longer, less the amount of any fees paid under the federal Reserve Officer Training Corps Program, the federal Veterans Vocational Rehabilitation Act, or the federal Post-9/11 Veterans Educational Assistance Act of 2008, commonly referred to as the "New GI Bill," to an eligible veteran or to the spouse, unremarried surviving spouse, or child of an eligible veteran. An eligible veteran is one who died on active duty, died as the result of a service-connected disability, died in the line of duty while on duty for training purposes, or incurred at least a 30 percent service-connected disability rating.

This bill requires the UW-Madison, the UW System, and a technical college to grant full remission of fees for 128 credits or eight semesters, whichever is longer, without regard to the number of credits or semesters for which the student received educational assistance under those federal programs.

***** ANALYSIS FROM -1231/2 *******OTHER EDUCATIONAL AND CULTURAL AGENCIES**

Under current law, the Higher Educational Aids Board (HEAB) awards Wisconsin covenant scholar grants to undergraduates enrolled at least half time at nonprofit public or private institutions of higher education or at tribally controlled colleges in this state. Currently, DOA promulgates rules to implement that grant program and the Office of the Wisconsin Covenant Scholars Program in DOA (office), designates students as Wisconsin covenant scholars, coordinates activities to promote attendance at nonprofit institutions of higher education in this state, and performs certain other duties relating to the administration of the program.

This bill eliminates the office and the promotional activities performed by the office and transfers to HEAB the duties of designating students as Wisconsin covenant scholars, promulgating rules to implement the program, and otherwise administering the program. The bill also prohibits students from enrolling in the program after September 30, 2011. After that date, HEAB may designate a student as a Wisconsin covenant scholar only if the student enrolled in the program by that date.

***** ANALYSIS FROM -1097/3 *****

Under current law, the Arts Board is attached to the Department of Tourism, which means that, subject to certain exceptions, the Arts Board exercises its powers,

duties, and functions independently of the secretary of tourism. Current law also requires the Arts Board to appoint an executive secretary to serve at its pleasure.

This bill places the Arts Board *in* the Department of Tourism, which means that the Arts Board exercises all of its powers, duties, and functions under the direction and supervision of the secretary of tourism. The bill also requires the secretary of tourism, rather than the Arts Board, to appoint an executive director of the Arts Board to serve at the pleasure of the secretary.

Current law requires at least 0.02 percent of the appropriation for the construction, reconstruction, renovation, or remodeling of, or for an addition to, a state building to be used to acquire works of art for the building (Percent for Art Program). That requirement, however, does not apply if the total construction cost of the project is \$250,000 or less. This bill eliminates the Percent for Art Program.

2011 DRAFTING REQUEST

Bill

Received: **02/22/2011**

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Reference Bureau**

By/Representing:

May Contact:

Drafter: **chanaman**

Subject: **State Govt - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Analysis compile for Education

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman	PI 2/23 jld	2/23 ph	_____	_____		

FE Sent For:

<END>

-1509

Hanaman, Cathlene

From: Kuczenski, Tracy
Sent: Tuesday, February 22, 2011 1:38 PM
To: Hanaman, Cathlene
Cc: Grant, Peter
Subject: Education analysis list

Here's our analysis list:

EDUCATION

Primary and secondary education

0841 ✓

1244 ✓

0836 ✓

0844 ✓

1213 ✓

1485 ✓

1215 ✓

1345 ✓

0839 ✓

1246 ✓

1247 ✓

1481 ✓

0851 ✓

1189 ✓

0852 ✓

1205 ✓

0856 ✓

1362 ✓

1061 ✓

1183 ✓

0982 ✓

0855 ✓

1242 ✓

1245 ✓

1184 ✓

1279 ✓

1243 ✓

1192 ✓

>

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Wisconsin Legislative Reference Bureau
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INS PG

-1188

-1231

-1097

-Gmm

From: Hanaman, Cathlene

Sent: Tuesday, February 22, 2011 1:13 PM

To: Aaron Gary; Becky Tradewell; Christopher Sundberg; Eric Mueller; Fern Knepp; Gordon Malaise; Jeffery Kuesel; Joseph Kreye; Marc Shovers; Mark Kunkel; Mary Gibson-Glass; Michael Gallagher; Pam Kahler; Peggy Hurley; Peter Grant; Rick Champagne; Robin Kite; Steve Miller; Tamara Dodge; Tracy Kuczenski

Subject: Analysis/Budget

Has everyone given me an analysis list? If not, could you let me know and then get me one as soon as you can?

If you have changes, please make them to the underlying drafts and to the master. Perhaps we will not need to compile again. The /p2 is in Folio and the Master is on Steve's table.

EDUCATION

HIGHER EDUCATION

University of Wisconsin

-1187

-1399

-1379

-0379

-0380

-1402

-1214

Technical College System

0988



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1509/P1
CMH: :ph

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: relating to:the budget; relating to:the budget; relating
2 to:the budget; relating to:the budget; relating to:the budget; relating to:the
3 budget; relating to:the budget; relating to:the budget; relating to:the budget;
4 relating to:the budget; relating to:the budget; the budget; relating to:the
5 budget; the budget; the budget; relating to:the budget; relating to:the budget;
6 relating to:the budget; relating to:the budget; relating to:the budget; relating
7 to:the budget; relating to:changing timing of application process under the open
8 enrollment program, permitting certain pupils to submit open enrollment
9 applications outside of the regular application period, and eliminating the limit
10 on virtual charter school enrollment; relating to:the budget; relating to:the
11 budget; relating to:the budget; relating to:the budget; relating to:the budget;
12 relating to:the budget; relating to:the budget; the budget; relating to:the
13 budget; the budget

Analysis by the Legislative Reference Bureau

*** ANALYSIS FROM -0841/P2 ***

EDUCATION

of public instruction ✓

PRIMARY AND SECONDARY EDUCATION

Under current law, each school district must hold school for 180 days each school term and must schedule at least 437 hours of direct pupil instruction in kindergarten, at least 1,050 hours of direct pupil instruction in grades one to six, and at least 1,137 hours of direct pupil instruction in grades seven to twelve. With some exceptions, the state superintendent must withhold state aid from a school district if the school district fails to hold school for 180 days. If, however, a school district holds less than 180 days of school as a result of a strike by school district employees, instead of withholding state aid from the school district, the amount of state aid is reduced to account for the amount of shared costs not incurred by the school district as a result of the strike.

This bill eliminates the requirement that a school district hold school for 180 days each year. The bill replaces the requirement that the state superintendent withhold state aid from a school district that fails to hold school for 180 days with a requirement that the state superintendent withhold state aid from a school district that fails to provide the hours of direct pupil instruction specified above. Finally, the bill substitutes the requirement that a school district that fails to hold school for 180 days as a result of a strike of school district employees receive a reduction in state aid with a requirement that a school district that fails to provide the hours of direct pupil instruction specified above as a result of a strike of school district employees receive a reduction in state aid.

*** ANALYSIS FROM -1244/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, the board of Milwaukee Public Schools determines the school calendar and vacation periods for the regular day and summer schools each school year, but the board may not schedule more than 200 teaching days in the regular day school period in any school year. This bill eliminates the requirement that no more than 200 teaching days be scheduled in the regular day school period.

*** ANALYSIS FROM -0836/P5 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in the 2011-12 school year to \$275 and in the 2012-13 school year to the percentage change in the consumer price index. This bill reduces the revenue limit for all school districts, including new school districts, school districts from which territory is detached, and consolidated school districts, by 5.5 percent in the 2011-12 school year. For the 2012-13 school year, a school district may not increase the revenues it receives per pupil from general school aids and property taxes above the amount it received in the 2011-12 school year.

Current law exempts a school district from the revenue limit if its per pupil revenue is less than a statutory revenue ceiling, currently set at \$9,800. This bill

a school year the amount of revenue increase allowed per pupil in the previous school year increased by the

percentage change in the consumer price index. In

generally

the increase is limited

decreases the per pupil revenue ceiling to \$8,900 for the 2011-12 school year and for any subsequent school year.

Current law also provides that, if a school district's revenue limit, as calculated before any adjustments, is less than the district's base revenue from the previous school year, the district's initial revenue limit would be set at the prior year's base revenue. This bill eliminates this base revenue stabilization provision.

*** ANALYSIS FROM -0844/P2 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law
Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. *may* Several adjustments to the revenue limits are permitted. For example, *if* a school board adopts a resolution to *do so*, the school district's revenue limit *is increased* by the amount spent by the school district in the second previous school year to pay the salary and fringe benefit costs of school nurses employed by the school board and school nurses providing nursing services in the school district under a contract with the school board. Current law also provides revenue limit adjustments for the costs of school safety equipment and the compensation costs of security officers and for pupil transportation costs.

This bill eliminates each of the revenue limit adjustments described above.

*** ANALYSIS FROM -1213/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Effective July 1, 2012, this bill eliminates a number of categorical school aid programs, including the Preschool to Grade 5 Program, grants for alcohol and other drug abuse prevention and intervention programs, the Children at Risk Program, grants for nursing services, supplemental aid, grants for advanced placement courses, grants for English instruction for Southeast Asian children, grants for science, technology, engineering, and mathematics (STEM) programs, grants to Milwaukee Public Schools for improving pupil academic achievement, and grants for alternative education programs.

*** ANALYSIS FROM -1485/2 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, each school year a school district is guaranteed an amount of general state aid equal to at least 85 percent of the amount it received in the previous school year. This bill guarantees a school district in the 2011-12 school year an amount equal to at least 90 percent of the amount it received in the 2010-11 school year. The percentage reverts to 85 percent in the following school year.

*** ANALYSIS FROM -1215/P2 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law allows an eligible school board that has entered into a five-year renewable student achievement guarantee (SAGE) contract with DPI to receive \$2,250 for each low-income pupil enrolled in a grade eligible for SAGE funding if the school board reduces class size in the eligible grade to 18 pupils; grades kindergarten to third grade are grades eligible for SAGE funding. Current law permits a school board to renew a SAGE contract and receive payments under that renewed contract if the school board maintains the reduced class size achieved during the last school year of the original SAGE contract for the grades specified for the last school year of the contract.

Under this bill, beginning in the 2011-12 school year, only grades kindergarten, one, and two will be grades eligible for SAGE funding; beginning in the 2012-13 school year, only grades kindergarten and one will be grades eligible for SAGE funding. School districts operating under a SAGE contract will not be required to maintain a reduced class size in grades for which SAGE funding is withdrawn.

*** ANALYSIS FROM -1345/P5 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under the Milwaukee Parental Choice Program (MPCP), a pupil who resides in the city of Milwaukee (city) may attend a participating private school in the city if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 175 percent of the poverty level. A pupil attending a private school under the MPCP whose family income increases may continue to attend the private school under the MPCP but only if the family income does not exceed 220 percent of the poverty level. The state pays the participating private school the private school's educational cost per pupil or the amount paid per pupil under the program in the previous school year increased by the percentage change from the previous school year to the current school year in the amount of general state school aid appropriated, whichever is less. *at state expense*

This bill eliminates the family income requirement for a pupil that wishes to attend a private school participating in the MPCP beginning in the 2011-12 school year. Under the bill, a pupil that resides in the city may attend a private school at state expense if the pupil did not attend a private school participating in the MPCP at any time in the 2010-11 school year. Also under the bill, a participating private school may charge tuition and fees to pupils admitted under the MPCP over and above the payment the private school receives for the pupil from the state. However, a private school may not receive any additional payment for a pupil admitted under the MPCP who is a member of a family that has a total family income that does not exceed 325 percent of the poverty level. *of Milwaukee*

Under current law, only private schools located in the city *of Milwaukee* may participate in the MPCP. This bill provides that any private school located in Milwaukee County may participate in the MPCP.

MPCP
Under current law, the number of pupils who may attend a private school under the Milwaukee Parental Choice Program is limited to 22,500. This bill eliminates the cap.

*** ANALYSIS FROM -0839/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, private schools participating in the Milwaukee Parental Choice Program (MPCP) must annually administer examinations approved by the state superintendent to pupils attending the school under the program and enrolled in grades four, eight, and ten. The private school must also administer examinations in reading and mathematics required under the federal No Child Left Behind Act to pupils enrolled in grades three to eight and grade ten. This bill replaces the current examination requirements and requires, instead, that private schools participating in the MPCP annually administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program and enrolled in grades four, eight, and ten.

*** ANALYSIS FROM -1246/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, private schools participating in the Milwaukee Parental Choice Program (MPCP) must annually submit to DPI evidence of sound fiscal practices and financial viability, as prescribed by DPI by rule. DPI's administrative rules set forth circumstances that would indicate that a private school participating in the MPCP does not have sound fiscal practices or is not financially viable.

This bill establishes circumstances that would indicate that a private school participating in the MPCP does not possess sound fiscal practices or the financial ability to continue educational programming operations.

*** ANALYSIS FROM -1247/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

MPCP
MPCP
MPCP
Under current law, DPI must promulgate administrative rules governing the Milwaukee Parental Choice Program (program). This bill requires DPI to notify each private school participating in the program, and the parents and guardians of pupils attending a private school under the program, of any changes to the program prior to the school year in which the change is to take effect.

*** ANALYSIS FROM -1481/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Generally
Under current law, a pupil living in the city of Milwaukee may, under the Milwaukee Parental Choice Program (MPCP), attend a private school at state expense if, among other conditions, the pupil is a member of a family that has a total family income that does not exceed 175 percent of the poverty level. Generally, the state pays a participating private school the lesser of the private school's cost per

participating in the MPCP

pupil that is related to educational programming or the sum of the amount paid per pupil in the previous school year ^{STATE} ^{increased by} ~~plus~~ the percentage change in the amount of ~~appropriated~~ general school aids. However, under current law, for the 2009-10 and 2010-11 school years, the state pays a participating private school a per pupil payment equal to the lesser of the private school's cost per pupil that is related to educational programming or \$6,442. This bill extends the exception to the general per pupil payment calculation through the 2012-13 school year.

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits UW-Milwaukee, UW-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools). Currently, and through the 2010-11 school year, the operator of an independent charter school receives per pupil state aid in an amount equal to the amount paid per pupil in the previous school year, increased by an amount that is tied to the increase in the per pupil state aid received by a private school participating in the MPCP. Under current law, beginning in the 2011-12 school year, the per pupil payment made to independent charter schools is tied to the per pupil revenue limit adjustment for public schools. Under this bill, the per pupil payment to independent charter schools remains tied to the method for determining the per pupil payment received by a private school participating in the MPCP through the 2012-13 school year.

directly
or to
contract
for the
operation
of
charter
schools

*** ANALYSIS FROM -0851/3 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

~~Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits UW-Milwaukee, UW-Parkside, the Milwaukee Area Technical College, and the city of Milwaukee to operate charter schools (independent charter schools) directly or to contract for the operation of charter schools. In general, only pupils who reside in the school district in which an independent charter school is located may attend the charter school.~~

This bill allows any four-year institution within the UW System to operate or to contract for the operation of a charter school with the approval of the Board of Regents.

Currently, if UW-Milwaukee establishes a charter school, it must be located in the city of Milwaukee. UW-Parkside may establish only one charter school. It must be located in a unified school district that is located in the county in which UW-Parkside is located (the Racine school district) or in an adjacent county, it may not enroll more than 480 pupils, and it may not operate high school grades. This bill eliminates all of these restrictions.

Currently, the Racine school district receives additional state aid if UW-Parkside establishes a charter school. This bill eliminates this payment.

*** ANALYSIS FROM -1189/1 ***

NO
The bill also allows the UW-Madison to operate or contract for the operation of a charter school.

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Currently, any person who seeks to teach in a public school, including a charter school, must hold a license or permit issued by DPI. This bill exempts teachers in independent charter schools from this requirement. An independent charter school is one established by or under contract with the city of Milwaukee, UW-Milwaukee, UW-Parkside, or Milwaukee Area Technical College. The bill requires a teacher in an independent charter school to have a bachelor's degree from an accredited institution of higher education.

*** ANALYSIS FROM -0852/1 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Under current law, state aid to independent charter schools is funded by a reduction in general school aid, applied on a prorated basis to all school districts. Current law provides that beginning in the 2011-12 school year, instead of reducing general school aid by the amount of charter school aid paid in the same school year, general school aid will be reduced by the amount of charter school aid paid in the 2010-11 school year. ~~NO~~

(~~now~~) This bill eliminates this cap on the reduction in general school aid ~~described~~ above.

*** ANALYSIS FROM -1205/1 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill prohibits a school board from requiring, as a condition of employment, that a teacher reside within the school district. The bill defines "teacher" as any person whose employment by a school district requires that he or she hold a license or permit issued by the state superintendent of public instruction.

*** ANALYSIS FROM -0856/1 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Current law requires that each school district employ a reading specialist certified by DPI to develop and coordinate a comprehensive reading curriculum. This bill eliminates this requirement.

*** ANALYSIS FROM -1362/2 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Under current law, moneys are appropriated from the normal school fund to DPI for an environmental education consultant. This bill eliminates this appropriation.

*** ANALYSIS FROM -1061/P1 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

eliminates Under current law, DPI must award a grant to each person employing an initial educator for the purpose of providing a mentor for the initial educator. This bill ~~repeals~~ the initial educator grant program and the appropriation used to fund the program beginning in the 2012-13 fiscal year.

*** ANALYSIS FROM -1183/P1 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Under current law, the Indoor Environmental Quality in Schools Task Force, established by the state superintendent of public instruction, is required to make recommendations to DPI for the development of a model management plan for maintaining indoor environmental quality in public and private schools. DPI must, in turn, establish such a model management plan and practices. Each school board and the governing body of each private school that is participating in the Milwaukee Parental Choice Program (MPCP) must implement a plan for maintaining indoor environmental quality in its school or schools.

This bill eliminates the requirement that DPI establish a model management plan and practices and also the requirements that each school board and the governing body of each private school participating in the MPCP implement a plan for maintaining indoor environmental quality in its school or schools.

*** ANALYSIS FROM -0982/1 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Current law directs DPI to award grants to nonprofit organizations, cooperative educational service agencies, and the Milwaukee Public Schools for the purpose of providing advanced curriculum and assessments for gifted and talented pupils.

This bill allows DPI to award grants to the UW-Madison as well, but requires that all grants must be for the purpose of providing to gifted and talented pupils those services and activities not ordinarily provided in a regular school program that allow such pupils to fully develop their capabilities.

*** ANALYSIS FROM -0855/3 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Under current law, no more than 5,250 pupils may attend virtual charter schools under the Open Enrollment Program (OEP) in any school year. This bill eliminates this limit.

Under the OEP, a pupil may apply to attend a public school in a school district other than the pupil's resident school district (nonresident school district) if certain conditions are met. Current law establishes a time line for filing and processing applications under the OEP. An application to attend a school in a nonresident school district is due between the first Monday in February and the third Friday following

the first Monday in February. A school board that receives an application must forward a copy of the application to the pupil's resident school board by the fourth Monday in February, and may not act on the application until after the third Friday following the first Monday in February. The resident school board may, under certain conditions, deny the pupil's enrollment in the nonresident school district; the resident school board must notify the applicant that its application has been rejected by the first Friday following the first Monday in April.

The nonresident school board must notify the pupil whether it has accepted the application by the first Friday following the first Monday in April and must provide the pupil with information about the specific program or school the pupil would attend by the second Friday following the first Monday in May. The pupil must inform the nonresident school board whether he or she will attend a school in the nonresident school district by the first Friday following the first Monday in June.

By June 30, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board. Current law permits a nonresident school district to deny enrollment to a pupil who has been expelled from school for certain reasons, including for engaging in conduct while at school that endangered the health safety or property of others. A resident school district must provide copies of the disciplinary records of a pupil who has applied under the OEP to a nonresident school district that makes a request for such records.

This bill changes the time line for filing and processing applications under the OEP. Under the new time line, the nonresident school district must determine the number of regular education and special education spaces available within the school district at the January meeting of the nonresident school board (and, for the 2011-12 school year, at the February meeting of the nonresident school board). An application to attend a school in a nonresident school district is due between the first Monday in February and the last weekday in April. A nonresident school board that receives an application must forward a copy of the application to the pupil's resident school district by the end of the first weekday following the last weekday in April.

The nonresident school board may not act on the application before May 1. The bill requires a resident school district to provide to a nonresident school district records pertaining to disciplinary proceedings involving a pupil who has applied to the nonresident school district under the OEP by the first Friday following the first Monday in May.

The bill also requires the resident school district to forward a copy of the individualized education program (IEP) prepared for a child with a disability who applies to the nonresident district under the OEP. If the resident school district fails to comply with this requirement, the nonresident school district may charge the resident school district for any actual, additional costs incurred by the school district to provide the special education and related services to the child. This bill requires the nonresident school district to prepare an estimate of the costs to implement an IEP prepared for a child with a disability who has applied to attend a school or program in the nonresident school district, and to provide the resident school district with a copy of the estimate by the third Friday following the first Monday in May. If the nonresident school district fails to provide the information by the required

date, the nonresident school district may not charge the resident school district for the costs to provide the special education and related services to the child with a disability. If the resident school board will deny the pupil's enrollment in the nonresident school district, the resident school board must notify the applicant that its application has been rejected on or before the second Friday following the first Monday in June.

The nonresident school board must notify the pupil whether it has accepted the application on or before the first Friday following the first Monday in June, and if the school board has accepted the application, it must provide the pupil with information about the specific program or school the pupil would attend at that time. The pupil must inform the nonresident school board whether he or she will attend a school in the nonresident school district by the last Friday in June. By July 7, the nonresident school board must report the name of each pupil accepted under the OEP to the pupil's resident school board.

The bill also creates an alternative application process, with a separate time line, under the OEP. Under the alternative process, the pupil must satisfy one of the following criteria: 1) the resident school district determines that the pupil has been the victim of a violent criminal offense, as defined by DPI by rule; 2) the pupil is or has been a homeless pupil in the current or immediately preceding school year; 3) The pupil has been the victim of repeated bullying or harassment, the parent has reported the bullying or harassment to the resident school board, and the repeated bullying or harassment continues; 4) the place of residence of the pupil's parent or guardian and of the pupil has changed as a result of military orders; 5) the pupil has moved into this state; 6) the place of residence of the pupil has changed as a result of a court order or custody agreement or because the pupil was placed in a foster home or with a person other than the pupil's parent, or removed from a foster home or from the home of a person other than the pupil's parent; or 7) the parent of the pupil and the nonresident school board agree that attending school in the nonresident school district is in the best interests of the pupil.

A nonresident school district that receives an application under the alternative time line must immediately forward a copy to the resident school board and must notify the applicant, in writing, whether it has accepted the application no later than 20 days after receiving it. The resident school district may notify an applicant that the pupil may not attend a school or program in the nonresident school district only if it determines that the criterion relied on by the applicant does not apply to the pupil or determines that the costs of special education or related services would impose an undue financial burden on the child's resident school district.

Current law limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the Consumer Price Index. Several adjustments to the revenue limits are permitted. This bill permits a school district to increase the revenue limit applicable to the school by the amount of any reduction to the school district's payment from DPI in the previous year for a pupil who was not included in

the calculation of the number of pupils enrolled in that school district in the previous year.

Current law requires DPI to annually report to the governor and the appropriate committees of the legislature on the number of pupils who applied to attend school in a nonresident school district under the OEP, the number of applications denied, and the bases for the denials, and the number of pupils attending public school in a nonresident school district under the OEP. This bill requires DPI to provide more detailed information about participation in the OEP, including information about whether pupils were accepted under the regular or alternative application process and, if the latter, which criterion the applicant applied under.

*** ANALYSIS FROM -1242/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law, with some exceptions, requires a school district to provide transportation to and from school for a pupil attending a private school that is located at least two miles from the pupil's residence.

(w) (4) ~~Under current law~~ if the estimated cost of transporting a pupil to a private school is more than 1.5 times the school district's average cost per pupil for bus transportation, the school board may fulfill its obligation to transport the pupil by contracting with the pupil's parent or guardian. Except as provided below, the contract must provide for an annual payment for each pupil of at least \$5 times the number of miles between the pupil's residence and the private school, or the school district's average cost per pupil for bus transportation, whichever is greater.

In a first class city school district (currently, only the Milwaukee Public Schools), if two or more pupils reside in the same household and attend the same private school, the contract may, at the discretion of the school board, provide for a total annual payment of the amount described above for all of the pupils instead of for each of the pupils. This bill extends this provision to all school districts.

*** ANALYSIS FROM -1245/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, no school bus driver, school district employee, or volunteer may administer medications, including prescription and nonprescription drug products, unless the person has received training approved by DPI. This bill eliminates the requirement that DPI approve the training.

*** ANALYSIS FROM -1184/P1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a school nurse is defined to mean a registered nurse licensed either under state law or in a party state under the Nurse Licensure Compact who also meets qualifications established by DPI by rule. This bill eliminates the requirement that a person meet qualifications established for school nurses by DPI.

*** ANALYSIS FROM -1279/3 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill directs DPI, working with the office of the governor, to establish a student information system to collect and maintain information about public school pupils, including their academic performance and demographic information, aggregated by school district, school, and teacher. DPI may not spend any moneys appropriated for the system unless its annual expenditure plan is approved by the governor. The bill requires DPI to charge a fee to any school district that uses the system and authorizes DPI to charge a fee to any other person that uses the system.

*** ANALYSIS FROM -1243/P1 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Under current law, each school board must annually determine the amount necessary to be raised to operate and maintain the schools of the school district and must, on or before November 6, certify that amount to the municipal clerk to assess and enter onto the tax rolls. This bill provides that, in years in which a November general election is held, the school board must certify the amount to be assessed on or before the seventh calendar day after the day of the general election.

*** ANALYSIS FROM -1192/P2 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill creates an appropriation to fund the work of a task force to be created by the governor to assess and improve literacy in elementary school children.

*** ANALYSIS FROM -1187/P5 ***

EDUCATION**HIGHER EDUCATION**

Currently, the UW System consists of 13 four-year institutions, including the UW-Madison, 13 two-year colleges, and the UW-Extension. The UW System is governed by the Board of Regents, which consists of the state superintendent of public instruction, the president of the technical college system, 14 citizen members, and two students. The latter 16 members are appointed by the governor and confirmed by the senate. There is a shared, hierarchical system of governance for the UW System: the Board of Regents has primary responsibility, followed by the UW System president, the chancellors of the institutions, the faculty, and the academic staff and students. Three boards are created in or attached to the UW System: the Environmental Education Board, the Laboratory of Hygiene Board, and the Veterinary Diagnostic Laboratory.

This bill creates an authority entitled the University of Wisconsin-Madison, consisting of the current UW-Madison. The bill also creates a board of trustees to govern the authority. Twenty-one members, 11 of whom are appointed by the governor, and the chancellor, who serves as a nonvoting member, comprise the Board of Trustees. The chancellor is appointed by the Board of Trustees to serve at its pleasure and is the chief executive officer of the authority. The bill establishes a

shared, hierarchical governance system for the authority, consisting of the Board of Trustees, the chancellor, the faculty, and the academic staff and students.

The bill transfers all assets and liabilities of the current UW-Madison, including real property, and all incumbent UW-Madison employees to the authority. Until July 1, 2012, the authority must adhere to the terms of any collective bargaining agreement covering the employees, and the authority is considered an agency under the state employment relations laws for all purposes. Beginning July 1, 2012, the authority must implement its own personnel system. Tenured faculty at the current UW-Madison retain their tenure at the authority. The authority remains a participating employer in the Wisconsin Retirement System and authority employees retain health insurance and other benefits enjoyed as state employees. All contracts entered into by the Board of Regents that are primarily related to the operation of the current UW-Madison, including the contracts with the Board of Directors of the UW Hospitals and Clinics Authority, are transferred to the authority's Board of Trustees.

The bill does not require the Board of Trustees to promulgate administrative rules except for rules relating to conduct on university property. The bill authorizes the Board of Trustees to condemn property.

Current law prohibits the Board of Regents of the UW System from increasing resident undergraduate tuition beyond an amount sufficient to fund certain specified costs and activities, including the amounts specified in the state budget act, the approved recommendations of the director of the Office of State Employment Relations for staff compensation and fringe benefits, and distance education. This bill does not impose these restrictions on the establishment of tuition by the Board of Trustees.

The bill appropriates general purpose revenue, program revenue, and moneys from segregated funds to the authority. The authority is not required to deposit moneys that it receives, such as tuition, gifts, grants, and federal revenue, into the state treasury. However, it must transfer daily to the state treasurer for deposit into the local government pooled-investment fund the collected cash balance from all sources except gifts, grants, and donations. The bill authorizes the Board of Trustees to transfer gifts, grants, and donations to the UW Foundation.

The bill exempts the Board of Trustees from DOA's authority over state agency use of gasoline, alternative fuels, and hybrid-electric vehicles. The bill also exempts authority employees from certain requirements regarding employment or retention by another state agency or authority.

The bill abolishes the Laboratory of Hygiene Board and the Veterinary Diagnostic Laboratory Board and transfers their functions to the authority. The bill directs the Board of Trustees, instead of the Board of Regents, to appoint the director of the laboratory of hygiene, the director of the psychiatric institute, the state geologist, and the state cartographer.

The bill makes other changes regarding the UW-System and the UW-Madison, including the following:

1. The bill transfers loan assistance programs for physicians and other health care providers, but not dentist and dental hygienist programs, from the Board of Regents to the Board of Trustees.

2. The bill adds one person associated with the authority to each of the following boards and councils: the teachers retirement board in DETF, the natural areas preservation council in DNR, the professional standards council for teachers in DPI, the Higher Educational Aids Board, and the Technical College System Board.

3. The bill replaces certain Board of Regents members of the following bodies with Board of Trustees members: the University of Wisconsin Hospitals and Clinics Board and the board of directors of the University of Wisconsin Hospitals and Clinics Authority.

The bill does the following regarding legal proceedings involving the authority:

1. Under current law, no one may sue a state officer, employee, or agent who is acting in his or her official capacity for damages unless the person serves the attorney general with a written notice of claim within 120 days of the event that allegedly caused the damages. The bill applies the prohibition to actions against an officer, director, employee, or agent of the Board of Trustees.

2. With few exceptions, current law limits damages in a case against a state officer, employee, or agent who is acting in his or her official capacity to \$250,000. The bill applies the limit to actions against an officer, director, employee, or agent of the Board of Trustees.

3. Under current law, generally, if a public officer or a state employee is sued in an official capacity or for actions undertaken within the scope of his or her employment, the state or the political subdivision that employs the officer or employee must provide legal counsel to the defendant officer or employee or cover legal costs for the officer or employee. If damages are assessed against the officer or employee, the state or political subdivision must pay the damages. Under the bill, an officer, director, employer, or agent of the Board of Trustees is treated as a state officer, director, employer, or agent for purposes of the foregoing requirements.

4. Under current law, DOJ represents the state, state agencies, and state employees in certain legal proceedings, reviews, and actions. Under the bill, DOJ represents the Board of Trustees as a department of state government and the officials, employees, and agents of the board as state officials, employees, and agents for the purpose of representation in civil and criminal proceedings, and upon request, for the purpose of appearing for and representing the board or its officials, employees, or agents at an administrative or civil court proceeding.

See also STATE GOVERNMENT — STATE BUILDING PROGRAM and OTHER STATE GOVERNMENT.

STATE GOVERNMENT

STATE BUILDING PROGRAM

Currently, with limited exceptions, each state agency, including the UW System, must submit for approval of the Building Commission any contract for the engineering, design, construction, reconstruction, remodeling, or expansion of a building, structure, or facility if the project cost exceeds \$150,000; if the project cost exceeds \$500,000, the project must be enumerated in the Authorized State Building

Program, which is set forth by law. Currently, DOA manages all engineering, design, and construction work for state agencies, including the UW System, but DOA may delegate its management authority to an agency for a specific project. If management authority for a project is delegated, the agency to which authority is delegated is subject to the same requirements that apply to DOA if DOA manages the project directly. With limited exceptions, DOA must provide public notice of proposed work and let contracts to the lowest responsible bidder. Plans and specifications for all work on UW projects are subject to approval of DOA. DOA may assess and collect from state agencies, including the UW System, a construction project management fee to cover its costs in managing each project. With limited exceptions, each engineering, design, or construction contract for a state building, structure, or facility is subject to approval of the secretary of administration and, if the contract involves an expenditure of more than \$60,000, the approval of the governor. DOA must grant preference to Wisconsin-based firms under certain conditions and must attempt to ensure that 5 percent of the total amount that the state expends on DOA-supervised projects in each fiscal year is paid to minority-owned businesses and that a portion of that amount is also paid to disabled veteran-owned businesses.

This bill deletes DOA's and the governor's responsibility for management and supervision of, and approval of plans, specifications, and contracts for, any building, structure, or facility to be constructed, reconstructed, remodeled, or expanded for the authority if the project is funded entirely from sources other than state general purpose revenue or general fund supported bonding. The bill also deletes the requirement for approval of the Building Commission on any such project if the cost of the project does not exceed \$500,000. Under the bill, the authority is not required to adhere to any of the requirements that currently apply to DOA with respect to any such project and is not subject to assessment by DOA for its construction management services.

Currently, the UW System may not accept a gift or grant of real property valued in excess of \$30,000 or any gift of a building, structure, or facility that is constructed for the benefit of the UW System without approval of the Building Commission. Under the bill, this restriction does not apply to the authority. Currently, no state agency, including the UW System, may permit a facility that would be privately owned or operated to be constructed on state-owned land without approval of the Building Commission. Under the bill, this restriction does not apply to the authority.

STATE FINANCE

Currently, the secretary of administration may reallocate moneys from state funds or accounts to other state funds and accounts to cover deficiencies, subject to certain limitations, and may reallocate an amount equal to not more than 3 percent of current general purpose revenue appropriations to the general fund for not more than 30 days. This bill increases that amount to not more than 6 percent of current general purpose revenue appropriations.

OTHER STATE GOVERNMENT

Currently, except as otherwise provided by law, the records of a state or local governmental officer or entity are subject to the right of public inspection and

copying unless the custodian demonstrates that the public interest in withholding access to the information in a record outweighs the strong public interest in providing access to that information. This bill permits any public institution of higher education to withhold from access any information that is produced or collected by or for the faculty or staff of the institution in the conduct of, or as a result of, study or research on a commercial, scientific, or technical subject until that information is publicly disseminated or patented.

Under current law, the chancellor of the UW-Madison and the vice chancellor who serves as deputy are subject to the standards of conduct under the code of ethics for state public officials as well as the requirement to file annual statements of economic interests. Other employees of the UW-Madison are subject to a code of ethics established by the Board of Regents of the UW System. This bill continues coverage of the chancellor and vice chancellor under the code of conduct but not under the filing requirement and directs the Board of Trustees of the authority to establish a code of ethics for other employees of the authority.

Currently, DOA manages the state's risk management program, including worker's compensation and liability insurance, and annually assesses each state agency, including the UW System, for its risk management costs. This bill permits the authority with 6 months' notice, to opt in or out of the state's risk management program for any fiscal year.

Current law generally authorizes state agencies to purchase materials, supplies, or equipment under certain circumstances. With some exceptions, purchases for which the estimated cost exceeds \$25,000 require bids to be invited or proposals to be solicited and the order must be awarded to the lowest responsible bidder or most competitive sealed proposal. Under this bill, the authority may make a purchase without inviting bids or proposals if the estimated cost does not exceed \$50,000.

*** ANALYSIS FROM -1399/3 ***

EDUCATION

HIGHER EDUCATION

This bill directs the Board of Regents of the UW System to submit a plan to the secretary of administration by October 1, 2012, for the conversion of the UW-Milwaukee to an authority. The board must allocate \$250,000 for development of the plan and must submit a plan to the secretary of administration specifying how it will allocate the funds by October 1, 2011.

*** ANALYSIS FROM -1379/P1 ***

EDUCATION

HIGHER EDUCATION

Current law allows the Board of Regents of the UW System to charge different tuition rates to resident and nonresident students. Current law also includes nonresident tuition exemptions, under which certain nonresident students pay resident tuition rates. One of the exemptions applies to an alien who is not a legal permanent resident of the United States and who: 1) graduated from a Wisconsin high school or received a declaration of equivalency of high school graduation from

Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school or immediately preceding receipt of a declaration of equivalency of high school graduation; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so. This bill eliminates the foregoing nonresident tuition exemption.

Current law also provides that an alien described above is considered a resident of this state for purposes of admission to and payment of fees at a technical college. This bill eliminates that provision.

*** ANALYSIS FROM -0379/P1 ***

EDUCATION

HIGHER EDUCATION

Current law requires the Board of Regents of the UW System to submit annual reports to DOA and JCF on the amounts expended in the previous fiscal year under certain program revenue appropriations that exceeded the dollar amounts estimated for the fiscal year in the appropriations schedule. The appropriations for which the annual reporting requirement applies are appropriations for certain general operations receipts and auxiliary enterprises. This bill eliminates the annual reporting requirement.

*** ANALYSIS FROM -0380/P1 ***

EDUCATION

HIGHER EDUCATION

Under current law, specified amounts received from academic student fees are appropriated annually to the UW System Board of Regents for laboratory modernization and improvements in master's level business programs. Those UW appropriations are annual appropriations from program revenue receipts. Therefore, if an amount appropriated for a fiscal year is not encumbered in that fiscal year, the unencumbered amount may not be expended until the legislature authorizes the expenditure. This bill changes those UW appropriations from annual to continuing appropriations, which are expendable until fully depleted. The bill also clarifies the definition of a program revenue appropriation to ensure that the bill's changes to those UW appropriations are effective.

*** ANALYSIS FROM -1402/P1 ***

EDUCATION

HIGHER EDUCATION

The bill appropriates to the Board of Regents (board) of the UW System for general program operations of the university system administration, in fiscal years 2011-12 and 2012-13, amounts that are reduced from the amounts appropriated in fiscal years 2010-11 and 2011-12. The bill requires the board to submit to the secretary of administration, no later than October 1, 2011, a plan specifying the board's preferences for allocating the reduction among such general program operations. The bill allows the secretary of administration to approve or modify the

Board of
Regents

plan and requires the board to implement the plan as approved or modified by the secretary of administration.

*** ANALYSIS FROM -1214/1 ***

EDUCATION

HIGHER EDUCATION

This bill modifies the appropriation to the UW System for the minority undergraduate grant program called Lawton grants from a sum sufficient to a sum certain.

*** ANALYSIS FROM -0988/1 ***

EDUCATION

HIGHER EDUCATION

This bill prohibits a technical college district board's tax levy for operations in 2011 and 2012 from being greater than its tax levy for operations in 2010. If a district board's levy exceeds the allowable amount, the Technical College System Board must reduce the district's state aid payments by the amount of the excess levy unless DOR determines that the district board's excess levy was caused by a clerical error made by DOR or a taxation district or county clerk.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*** ANALYSIS FROM -1188/2 ***

EDUCATION

HIGHER EDUCATION

Current law requires the Board of Regents of the UW System (Board of Regents) and each technical college district board (district board) to grant full remission of academic fees charged for up to 128 credits or eight semesters, whichever is longer, less the amount of any academic fees paid under the federal Reserve Officer Training Corps (ROTC) Program, the federal Veterans Vocational Rehabilitation Act, or the federal Post-9/11 Veterans Educational Assistance Act of 2008, commonly referred to as the "New GI Bill," to certain veterans who are residents of this state for veterans benefits purposes and to the spouse, unremarried surviving spouse, and children (dependents) of a veteran who was a resident of this state at the time of entry into service and who either: 1) while a resident of this state died on active duty, died as the result of a service-connected disability, or died in the line of duty while on active or inactive duty for training purposes, or 2) incurred at least a 30 percent service-connected disability rating. In the case of a veteran enrolled in the UW System, "academic fees" includes nonresident tuition.

This bill requires the Board of Regents and a district board to grant full remission of academic fees charged for 128 credits or eight semesters, whichever is longer, without regard to the number of credits or semesters for which the student received educational assistance under those federal programs.

*** ANALYSIS FROM -1231/2 ***

or child of an eligible veteran. An eligible veteran is one who

The UW-Madison, the UW System, and a technical college

~~that grant program~~ and the ~~Office of the Wisconsin~~ ^{of} ~~Covenant Scholars Program in DOA (office)~~

Wisconsin covenant scholar

Currently,

EDUCATION

undergraduates

OTHER EDUCATIONAL AND CULTURAL AGENCIES

at nonprofit

Under current law, the Higher Educational Aids Board (HEAB) with the assistance of the Office of the Wisconsin Covenant Scholars Program in DOA (office), administers the Wisconsin Covenant Scholars Program, under which HEAB awards grants to resident students who are enrolled at least half time in public or private nonprofit accredited institutions of higher education or tribally controlled colleges in this state. DOA promulgates rules to implement the program and the office designates students as Wisconsin covenant scholars, coordinates activities to promote attendance at nonprofit postsecondary institutions of higher education in this state, and performs certain other duties relating to the administration of the program.

This bill eliminates the office and the promotional activities performed by the office and transfers to HEAB the duties of designating students as Wisconsin covenant scholars, promulgating rules to implement the program, and otherwise administering the program. The bill also prohibits students from enrolling in the Wisconsin Covenant Scholars Program after September 30, 2011. After that date, HEAB may designate a student as a Wisconsin covenant scholar only if the student enrolled in the Wisconsin Covenant Scholars Program by that date.

*** ANALYSIS FROM -1097/3 ***

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the Arts Board is attached to the Department of Tourism, which means that the Arts Board exercises its powers, duties, and functions including rule making and operational planning independently of the secretary of tourism, except that budgeting, program coordination, and related management functions are performed under the direction and supervision of the secretary of tourism. Current law also requires the Arts Board to appoint an executive secretary to serve at its pleasure.

This bill places the Arts Board in the Department of Tourism, which means that the Arts Board exercises all of its powers, duties, and functions under the direction and supervision of the secretary of tourism. The bill also transforms the appropriations to the Arts Board into appropriations to the Department of Tourism and moves the statutory provisions governing the powers, duties, and functions of the Arts Board from the chapter of the statutes relating to historical societies and the Arts Board to the chapter of the statutes relating to the Department of Tourism. In addition, the bill requires the secretary of tourism rather than the Arts Board to appoint an executive director of the Arts Board to serve at the pleasure of the secretary.

Current law requires at least 0.02 percent of the appropriation for the construction, reconstruction, renovation, or remodeling of, or for an addition to, a state building to be used to acquire works of art for the building (Percent for Art Program). That requirement, however, does not apply if the total construction cost of the project is \$250,000 or less. Under the Percent for Art Program, the Arts Board

, rather than the Arts Board,

must select the work of art to be incorporated into the project and contract to procure the work of art. After acquisition of the work of art, the Arts Board must ensure that the work of art is properly executed and installed in public view, is properly maintained and not artistically altered without the consent of the artist, and is maintained and displayed on the grounds of the state building for at least 25 years, unless earlier removal is in the public interest. If a work of art is removed from a state building, the Arts Board must loan the work of art to a museum or to an educational or other public institution that is capable of maintaining and exhibiting the work of art.

(no R) ← This bill eliminates the Percent for Art Program except that for a work of art acquired before the effective date of the bill, the bill maintains the requirements that the Arts Board ensure that the work of art is properly maintained and not artistically altered without the consent of the artist and is maintained and displayed on the grounds of the state building for at least 25 years, unless earlier removal is in the public interest, and that the Arts Board loan a removed work of art to a museum or to an educational or other public institution that is capable of maintaining and exhibiting the work of art.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

**2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1509/P1ins
CMH:....ph

Insert TKK 1

~~NO~~ If accepted by the nonresident school board, the pupil must notify the nonresident school board whether the pupil will attend school under the OEP[✓] by the first Monday in June. Current law requires the resident and nonresident school boards to take certain actions to review and accept or reject the application within that time period.[✓]

(end ins TKK 1)